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Counsel for SmithKline Beecham Corporation, d/b/a GlaxoSmithKline

[Additional Attorneys on Signature Page]

18 UNITED STATES DISTRICT COURT
 19 NORTHERN DISTRICT OF CALIFORNIA
 20 (OAKLAND DIVISION)

21 SAFEWAY INC.; WALGREEN CO.; THE)
 22 KROGER CO.; NEW ALBERTSON’S, INC.;)
 23 AMERICAN SALES COMPANY, INC.; and)
 HEB GROCERY COMPANY, LP,)

Plaintiff,)

vs.)

26 ABBOTT LABORATORIES,)

27 Defendant.)

28 [caption continues next page]

Case No. C 07-5470 (CW)

*Related per October 31, 2007 Order to
Case No. C-04-1511 (CW)*

**STIPULATION AND [PROPOSED]
ORDER REGARDING PARTIES’
PROPOSED EXHIBIT LISTS AND
DEPOSITION DESIGNATIONS**

Date: N/A
Time: N/A
Courtroom: 2 (4th Floor)
Judge: Hon. Claudia Wilken

1 SMITHKLINE BEECHAM CORPORATION)
d/b/a/ GLAXOSMITHKLINE,)

2)
3 Plaintiff,)

4 vs.)

5 ABBOTT LABORATORIES,)
6 Defendant.)

Case No. C 07-5702 (CW)

Related per November 19, 2007 Order to
Case No. C-04-1511 (CW)

**STIPULATION AND [PROPOSED]
ORDER REGARDING PARTIES'
PROPOSED EXHIBIT LISTS AND
DEPOSITION DESIGNATIONS**

Date: N/A
Time: N/A
Courtroom: 2 (4th Floor)
Judge: Hon. Claudia Wilken

9 MEIJER, INC. & MEIJER DISTRIBUTION,)
10 INC., on behalf of themselves and all others)
11 similarly situated,)

12 Plaintiff,)

13 vs.)

14 ABBOTT LABORATORIES,)
15 Defendant.)

Case No. C 07-5985 (CW)
CONSOLIDATED CASE

Related per November 30, 2007 Order to
Case No. C-04-1511 (CW)

**STIPULATION AND [PROPOSED]
ORDER REGARDING PARTIES'
PROPOSED EXHIBIT LISTS AND
DEPOSITION DESIGNATIONS**

Date: N/A
Time: N/A
Courtroom: 2 (4th Floor)
Judge: Hon. Claudia Wilken

18 RITE AID CORPORATION; RITE AID)
19 HDQTRS, CORP.; JCG (PJC) USA, LLC;)
20 MAXI DRUG, INC. d/b/a BROOKS)
21 PHARMACY; ECKERD CORPORATION;)
22 CVS PHARMACY, INC.; and CAREMARK,)
23 L.L.C.,)

24 Plaintiff,)

25 vs.)

26 ABBOTT LABORATORIES,)
27 Defendant.)

Case No. C07-6120 (CW)

Related per December 5, 2007 Order to
Case No. C-04-1511 (CW)

**STIPULATION AND [PROPOSED]
ORDER REGARDING PARTIES'
PROPOSED EXHIBIT LISTS AND
DEPOSITION DESIGNATIONS**

Date: N/A
Time: N/A
Courtroom: 2 (4th Floor)
Judge: Hon. Claudia Wilken

1 WHEREAS, the Customer Plaintiffs,¹ plaintiff SmithKline Beecham d/b/a
2 GlaxoSmithKline (“GSK”), and defendant Abbott Laboratories (“Abbott”) exchanged exhibit
3 lists and deposition designations on January 11, 2011, pursuant to the Court’s Standing Order on
4 Pretrial Preparation (“Standing Order”);

5 WHEREAS, the Customer Plaintiffs and GSK (“Plaintiffs”) provided Abbott with a joint
6 exhibit list, and Abbott provided all plaintiffs with a single exhibit list;

7 WHEREAS, the Court’s Standing Order provides that no party shall be permitted to offer
8 any exhibit in its case-in-chief that is not disclosed in its exhibit list without leave of the Court for
9 good cause shown;

10 WHEREAS, while the parties have been diligently attempting to reduce their respective
11 exhibit lists, they have found that the large number of exhibits designated is unduly hampering
12 the meet-and-confer process, leading the parties to anticipate that this process will not be
13 completed in a meaningful way by the current January 25, 2011 deadline to submit exhibit lists
14 and objections;

15 WHEREAS, the parties are continuing to meet and confer on witness lists in an attempt to
16 reduce the number of deposition designations that need to be submitted to the Court;

17 WHEREAS, all parties have agreed to the following procedures to streamline the process
18 for submitting documentary exhibit lists and objections as well as deposition designations to the
19 Court, while preserving each of their respective rights;

20 WHEREAS, all parties now seek the Court’s approval of the following procedures for
21 pretrial exchange of exhibit lists and deposition designations and objections thereto;

22 **IT IS HEREBY STIPULATED AND AGREED:**

23 1. No party will object to any exhibit that is still identified on both the plaintiffs’
24 exhibit list and Abbott’s exhibit list as of 3 p.m. on January 26, 2011 (the “common exhibits”);

25 2. No later than 9:00 a.m. on January 24, 2011, Plaintiffs and Abbott will each
26 identify sub-lists of additional exhibits (excluding the common exhibits) to which the other side
27

28 ¹ Plaintiffs in Case Nos. 07-5470 (CW), 07-5985 (CW), and 07-6120 (CW).

1 should specifically object, and which will be the subject of focused meet-and-confers to arrive at
2 stipulations of admissibility. Each side will select only 200 exhibits for its sub-list.

3 3. Objections to the other side's sub-list will be exchanged by 3 p.m. on Wednesday,
4 January, 26, 2011. If an exhibit would have been a common exhibit, but for the fact that one side
5 removed that exhibit from the common exhibit list between the filing of this stipulation and 3
6 p.m. on Wednesday, January 26, 2011, such exhibit will be added to the other side's sub-list
7 without counting against the other side's 200-exhibit cap.

8 4. All objections are preserved as to all other exhibits not on the common exhibit list
9 and not on the respective sub-lists, but disclosed on January 11, 2011;

10 5. If a party attempts to introduce an exhibit from its exhibit list that is outside of the
11 common exhibits and outside of that side's sub-list, the opposing side may have any of its
12 objections heard during trial. The time needed to resolve these objections will be deducted from
13 the trial time of the party seeking to introduce the exhibit;

14 6. The parties will file the aforementioned exhibit lists by Friday, January 28, 2011;
15 and

16 7. The deadline for Plaintiffs and Abbott to each deliver a set of premarked exhibits
17 to the Courtroom Deputy will be Monday, January 31, 2011. The premarked exhibits will include
18 all potential exhibits, i.e. all items on one side's exhibit list, and will not be limited to only the
19 exhibits on that side's sub-list. Only one set of common exhibits need be delivered.

20 8. The parties will exchange objections and counter-designations to deposition
21 designations on February 4, 2011. The parties will then seek guidance from the Court during the
22 February 8, 2011 pretrial conference as to the Court's preferences for the filing of deposition
23 designations, objections to those designations, deposition counter-designations, and objections to
24 those counter-designations, as well as the timeline for making those filings.

1 **IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD:**

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18 *Lead Counsel for Rite Aid Corp., et al.*

20 **PURSUANT TO STIPULATION, IT IS SO ORDERED.** Court's preferences for the filing of
21 deposition designations, objections to those designations, deposition counter-designations, and
22 objections to those counter-designations are for the parties to lodge one copy of each transcript,
23 with colorcoded highlighting to show designations, and objections with Evidence Code number
24 written in the margins, not less than 14 days before the deposition is to be read.

25 Dated: 1/21/2011

26 
27 Judge Claudia Wilken
28 United States District Court
Northern District of California

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